

**Notice and Motion to Dismiss  
Chapter 13 Proceeding**

**United States  
Bankruptcy Court**

**For The Western  
District of Madison**

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IN RE:

Brian J & Lou A Schmitz

Debtor

Case Number

09-15320-13

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Standing Chapter 13 Trustee, William A. Chatterton  
brings on this motion and respectfully represents:

1. Debtor filed a petition for relief under chapter 13 of the United States Bankruptcy Code on August 8, 2009
2. The Trustee states that the debtors have failed to file one or more of the following items: Plan, Schedules, Means Test, and or Certificate of Credit Counseling.

WHEREFORE your movant requests an order directing the dismissal of the above-captioned chapter 13 proceeding.

PLEASE TAKE NOTICE that you must object or request a hearing **on or before October 14, 2010** if you wish to contest this motion. Any objection or request for hearing that you file must be filed with the court and served on the trustee. If no objection or request for hearing is filed, the court shall grant the motion without a hearing and the case will be dismissed.

/s/

Dated: September 23, 2010

William A. Chatterton  
Standing Chapter 13 Trustee

The Court's Address is:

United States Bankruptcy Court  
120 N. Henry  
PO Box 548  
Madison, WI 53701-0548

This copy of notice and motion sent to:

United States Bankruptcy Court  
120 N. Henry  
PO Box 548  
Madison, WI 53701-0548

**Affidavit of Service  
Chapter 13 Proceeding**

**United States  
Bankruptcy Court**

**For The Western  
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*State of:* Wisconsin

*County of:* Dane

I, the undersigned, being first duly sworn on oath, depose and say that on September 23, 2010 I deposited in the U.S. Mail at the above captioned county and state, a true and correct copy of the notice and motion for dismissal to the following listed parties in envelopes with return addresses in case of non-delivery, unless parties are served thru the CM/ECF System sponsored by the Court.

United States Bankruptcy Court

120 N. Henry

PO Box 548

Madison, WI 53701-0548

Attorney WENDY ALISON NORA

ACCESS LEGAL SERVICES

4575 W 80TH ST. CIRCLE, #141

MINNEAPOLIS, MN 55437-1139

Brian J & Lou A Schmitz

P.O. Box 307

Lone Rock WI 53556

/s/

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Mary Jo Melius

Subscribed and sworn before me  
on September 23, 2010

/s/ William A. Chatterton

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Notary Public, Wisconsin

My commission   X   expires on : \_\_\_\_\_  
is permanent.